THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

Taken up Writ Petition No.13156 of 2007

Date: 16-07-2007

Between:

Sri Kakolapu Devi,
W/o. Rama Rao

… Petitioner/s

And

The Station House Officer,
Attili Police Station,
West Godavari District and another.

… Respondent/s

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ORAL ORDER: (per the Hon'ble Sri Justice D. Appa Rao)

Heard learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram, dated 19-06-2007, issued by one Smt. Kakolapu Devi, w/o. Rama Rao, alleging that her husband - Sri S.Rama Rao was illegally detained since last four days by the Sub-Inspector of Police, Attili Police Station, West Godavari District, and apprehending danger to his life.

3. The Assistant Sub-Inspector of Police and Incharge Station House Officer of Attili Police Station, West Godavari District, filed a counter affidavit, *inter alia,* stating that the alleged detenu was called to the police station in connection with Crime No.40 of 2007, which was registered under Section 420, read with 34 of Indian Penal Code of Attili Plice Station, against the father-in-law and brothers-in-law of the alleged detenu and, at any rate, the alleged detenu was not an accused in the above said crime. In view of the telegram, the alleged

detenu was produced before the Tahsildar-cum-Mandal Executive Magistrate, Attili Mandal, on
30-06-2007, who inturn, recorded his statement, wherein the alleged detenu has categorically stated that he was never illegally detained by the police and has been moving freely. The statement recorded by the learned Mandal Executive Magistrate was made part of the record.

4. In view of the fact that a responsible Officer like the Mandal Executive Magistrate has examined the alleged detenu and recorded his statement, we do not see any ground whatsoever to proceed further in the matter and the writ petition is liable to be dismissed.

5. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D. APPA RAO

16-07-2007.
Msr.

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(Msr)